

ENTERED

September 13, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

GLORIA ANA ACUNA,

Plaintiff,

VS.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CIVIL ACTION NO. 2:21-CV-00046


ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is a motion by Plaintiff's attorney, Melissa Palmer, for attorney's fees. D.E. 21. On August 9, 2023, Magistrate Judge Julie K. Hampton issued a Memorandum and Recommendation (M&R) recommending that Palmer's motion be granted and that she be awarded \$7,200 in attorney's fees pursuant to 42 U.S.C. § 406(b). D.E. 23. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge's M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge's M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's M&R. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)). Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the

Magistrate Judge's M&R, and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Therefore, Palmer's motion for attorney's fees is **GRANTED**. The Court **ORDERS** that an award of \$7,200 be paid to Melissa Palmer out of Plaintiff's past-due benefits pursuant to 42 U.S.C. § 406(b). Additionally, the Court **ORDERS** Palmer to refund to her client, Gloria Ana Acuna, the \$1,152.29 she previously received under the Equal Access to Justice Act.

ORDERED on September 13, 2023.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE